

REMARKS/ARGUMENTS

The claims are 2-7 and 43, with claims 8-42 having previously been withdrawn from consideration by the Examiner as directed to a non-elected invention. Claims 7 and 43 were rejected under 35 U.S.C. 102(e) as being anticipated by "*Lavaroni*" (presumably *Mattanza et al.*) WO 2009/033951. The remaining claims 2-6 under consideration by the Examiner were rejected under 35 U.S.C. 103(a) as being unpatentable over *Lavaroni* in view of *Campbell U.S. Patent No. 6,190,050*.

This rejection is respectfully traversed and reconsideration is expressly requested.

It is respectfully submitted that the "*Lavaroni*" or *Mattanza et al.* WO 2009/033951 document is not prior art under 35 U.S.C. 102(e) as Section 102(e) only applies to published United States patent applications and patents. As the publication date of *Mattanza et al.* is March 19, 2009, after the International filing date of October 20, 2003 of Applicants' application herein, *Mattanza et al.* is not prior art.

The remaining reference to *Campbell* cited with respect to dependent claims 2-6 as a secondary reference has been considered

but is believed to be no more relevant. *Campbell* was cited as simply showing an inlay of wear-resistant material strips 114 in groove 116 of a radial bearing or bushing 100. See FIGS. 8 and 8a of *Campbell*. As stated in Applicants' previous Amendment filed June 26, 2009, there is no disclosure or suggestion of a tool head having a tool holder and an adjusting device with slide surfaces in contact with one another that are planar or that both have a constant radius of curvature in an axial direction.

Accordingly, it is respectfully submitted that the claims are patentable over *Campbell* and that the *Mattanza et al.* document is not prior art.

In view of the foregoing, it is respectfully requested that the claims be allowed and that this case be passed to issue.

Respectfully submitted,
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I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 6, 2009.

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